

On November 8, 2023, the Nebraska Supreme Court approved the following rule amendments to Workers' Comp. Ct. R. of Proc. 2, 3, and 11:

**RULES OF PROCEDURE**

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**NEBRASKA WORKERS' COMPENSATION COURT**

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**RULE 2  
FILINGS**

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**D. Electronic Filing, Service, and Notice.**

**1. Definitions.**

- a. **Electronic Filing.** Electronic filing (E-Filing) is the electronic transmission of pleadings, motions or other documents to the Clerk of the Nebraska Workers' Compensation Court (court clerk) via the internet through the court-authorized service provider, ~~Nebraska.gov~~. An E-Filed document is a document that has been filed using E-Filing.
- b. **Electronic Service.** Electronic service (E-Service) is the electronic transmission of documents to any Nebraska attorney representing a party in a case via E-Filing. Any Nebraska attorney who has registered to use E-Filing thereby agrees to receive E-Service of any document, other than service of initial pleading or summons.
- c. **Durable Medium.** Durable medium shall be any information storage medium that is created by a durable process. A process shall be the combination of hardware, software, storage media, techniques, and procedures used to manage, create, store, retrieve, and delete information belonging to the party required to maintain the record. A process shall be durable if it meets the following criteria:
  - i. The process is capable of creating and storing information for the required records retention period.

- ii. The process can be migrated to a successor process when necessary and will retain all information available in the original process after migration to the successor process.
  - iii. The process maintains the integrity of information in a readily accessible manner, makes it retrievable, makes it processable through an established usual or routine set of procedures using available hardware and software, and makes it accurately reproducible in a human-readable form.
  - iv. The process provides for disaster recovery backups, which are periodically, depending on a retention schedule, verified for restorability and readability, and can be stored in a separate geographical location from the original information.
  - v. The process is demonstrated to create and maintain information for the retention period as specified, in an accurate, reliable, trustworthy, dependable, and incorruptible manner.
  - vi. The process allows the removal of information when it reaches the end of its required retention period.
  - vii. The process is documented so as to demonstrate to a reasonable person compliance with these criteria.
- d. **Electronic Notice.** Electronic notice (E-Notice) is the electronic transmission of notices, opinions, court entries, and any other dispositional orders or information from the court to all users who have registered for E-Notice. ~~E-Notice is not currently available via E-Filing. Until such time as E-Notice becomes available, the court shall distribute notices and signed orders via regular mail and file stamped copies of pleadings via email, fax, or regular mail. A Nebraska attorney who has registered for E-Filing agrees to receive~~ E-Notice of all court notices, opinions, court entries, and any other dispositional orders or information from the court clerk.
- e. **User.** A user is a person or entity who is making use of one or more of the electronic services as defined in this section.
2. ~~**E-Filing Registration and E-Service.**~~ **E-Filing, E-Service, and E-Notice.**
- a. E-Filing is required for any pleadings or other documents filed by a Nebraska attorney in the Nebraska Workers' Compensation Court except:
    - i. Exhibits to be offered at a hearing or trial;
    - ii. Supersedeas bonds;

- iii. Documents to be filed under seal pursuant to court order; or
- iv. Any pleading where an exception is granted by the trial judge. The filer is responsible for service upon the parties entitled to service pursuant to Rule 3,B.

Due to limitations of the court-authorized service provider, city, county, or state attorneys must pre-pay statutory filing fees for Lump Sum Settlement applications and Releases of Liability pursuant to Neb. Rev. Stat. 48-139(3) as well as Notices of Appeal and accompanying appeal pleadings. Those statutory filing fees shall be paid in the form and manner prescribed by the court clerk. The court clerk may waive prepayment of fees in the event attorneys employed by the city, county, or state and the court clerk agree to and approve of an alternative method of payment via the E-Filing system.

- b. E-Service shall be used for any E-Filed document ~~to be electronically filed~~, except for the initial pleading and summons. Documents that are required to be served pursuant to Rule 3,B and in the manner required by Rule 3,B,1 may be served through E-Service or through a combination of E-Service and any other method permitted by Rule 3,B. A document electronically received by the E-Filing provider for service by 11:59:59 p.m. local time shall be deemed to have been served on that date.
- c. For purposes of Rule 3,B, service by E-Service to any party or Nebraska attorney who has registered to use E-Filing shall constitute service pursuant to Rule 3,B,1,e.
- d. All notices, opinions, court entries, and any other dispositional orders or information from the court clerk shall be sent in electronic format via E-Notice in lieu of the traditional paper format sent via regular mail. All documents sent via E-Notice shall be deemed sent to the recipient(s) upon transmission and in accordance with Rule 3,B,3.
- ~~d~~ e. Registration for E-Filing is mandatory for all Nebraska attorneys making any filing or appearance in the Nebraska Workers' Compensation Court ("required attorneys"). Registration for E-Filing requires an account with the court-authorized service provider, ~~Nebraska.gov~~, and requires a separate annual maintenance fee as determined by the court-authorized service provider. ~~Registration allows the user to access E-Filing.~~ Registration for E-Filing includes mandatory E-Service and E-Notice for required attorneys. Email addresses must be maintained in accordance with Rule 2,D,3.

e f. ~~Failure to register or~~ Required attorneys must register and maintain contact information as provided in Rule 2,D,3,f. Failure by a required attorney to register for E-Filing or to maintain valid and up-to-date contact information as provided for in Rule 2,D,3,f may be enforced by any appropriate sanction or order of the trial court or appellate court, or by appropriate disciplinary procedure.

f g. Attorneys admitted pro hac vice in a particular case pursuant to Neb. Ct. R. § 3-122 may utilize E-Filing through Nebraska counsel with whom the attorney is associated.

### 3. **Email addresses.**

a. Email addresses for all E-Filing services offered by the court or its court-authorized service provider, Nebraska.gov, cannot exceed 50 characters. Only one email address per attorney user will be permitted for E-Service and E-Notice.

b. E-Service shall be sent electronically from the following email address: ne-support@egov.com. User email accounts should be set up to receive all emails from that email address. Do not reply to the above email address. No user may transmit documents to ne-support@egov.com.

c. E-Notice shall be sent electronically from the following email address: ~~enotice@wcc.ne.gov~~ enotice@newcc.gov. User email accounts should be set up to receive all emails from that email address. Do not reply to the above email address. No user may transmit documents to ~~enotice@wcc.ne.gov~~ enotice@newcc.gov.

d. After registration with ~~Nebraska.gov~~ the court-authorized service provider, all email addresses shall be maintained through the attorney's ~~Nebraska.gov~~ E-Filing account.

e. Emails transmitted to a registered email address are presumed to have been delivered. The presumption may be rebutted only by clear and convincing evidence.

f. Contact Information. Users are responsible for maintaining valid and up-to-date contact information. When a user's email address changes, the user shall promptly update all email addresses provided for all Electronic Services offered by the court or its service providers. E-Service and E-Notice upon an obsolete email address shall constitute valid service where the user has not updated his or her email address. Mere usage of a new or different email address in a document filed using E-Filing or in paper format does not satisfy

the requirements of this subsection for an update to the user's email address. Court staff will not update users' contact information. Any changes or updates to email addresses must be made by users through their E-Filing account.

- g. Self-Represented Litigant E-Notice. Self-represented litigants who have internet access and email capability may register for E-Notice in a particular case by using a form developed by the court. Email addresses shall be in compliance with Rule 2,D,3. Any change to email addresses or discontinuation of E-Notice must be made by using a form developed by the court.
- h. Pro Hac Vice E-Notice. Attorneys admitted pro hac vice in a particular case pursuant to Neb. Ct. R. § 3-122 may register for E-Notice by submitting a written request to the court clerk via email at filings@newcc.gov. Email addresses shall be in compliance with Rule 2,D,3. Any change to email addresses or discontinuation of E-Notice must be made in writing to the court clerk.

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**10. Possession of printed documents.**

- a. For documents that require verified signatures (such as lump sum settlement applications or releases of liability), except as provided in Rule 2,D,10,b, no pleading or other document may be filed via E-Filing unless the filing party first has possession of a printed document or documents bearing original signatures, stamps, and seals as applicable. Such printed documents:
  - i. shall be made available by the filing party for inspection by other parties or the court upon request, but shall not be filed with the court; and
  - ii. shall be maintained by the filing party for a period of two years after the final resolution of the action, including the final resolution of all appeals; and
  - iii. may be maintained by the filing party in either paper form or electronic form. Pleadings or other documents maintained in electronic form shall be stored using a durable medium as defined in Rule 2,D,1,c.
- b. ~~Where~~ When an E-Filed pleading or other document is signed by only the filing attorney in accordance with Rule 2,D,7, the attorney shall not be required to have possession of or maintain a printed document or documents bearing an original signature.

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14. Upon a showing of substantial good faith compliance with ~~Rule 2, D~~ these rules, the court may waive nonjurisdictional defects ~~in an E-Filing~~ if it finds that no harm has occurred to any party as a result of the defective E-Filing.

- E. **Emailed Documents.** Only self-represented litigants may file documents by email with the court. If a self-represented litigant chooses to file by email, the only authorized email address to receive those filings is ~~filings@wcc.ne.gov~~ filings@newcc.gov. Emailing a document to any other court email address by a self-represented litigant or attorney shall not constitute a court filing and will not generate a file stamp. Self-represented litigants must meet general pleading requirements outlined in the Nebraska Workers' Compensation Act and in these rules. Documents electronically received by the court clerk at ~~filings@wcc.ne.gov~~ filings@newcc.gov by 11:59:59 p.m. local time shall be deemed to have been filed on that date. Emailed documents must not exceed 50 pages. Any attached documents exceeding 50 pages must be sent by regular mail or hand-delivered to the court.

### RULE 3 PLEADINGS

- A. Except as otherwise required to comply with the Americans with Disabilities Act (ADA), and except for any court forms promulgated or last amended prior to the effective date of this rule, the following rules apply.

The standard form for all pleadings, including, but not limited to, all petitions, answers, motions, forms, proposed orders, briefs, written closing arguments, and other filings, except bills of exceptions, shall be as follows:

1. All documents shall be on a page size measuring 8 ½ by 11 inches, in portrait mode. Electronically-filed documents shall be in a converted PDF (fully text-searchable), rather than only a scanned image PDF format. All electronically-filed documents shall be easily readable. Documents that are not easily readable may be declined by the court clerk or stricken by the trial judge.
2. Documents permitted to be filed in paper form shall follow the same formatting set forth in this rule.
3. Text shall be aligned to the left side and not justified. Margins shall be set to 1.5 inches on all sides, and lines shall be spaced at 1.15 or 1.2. Extra line spacing is allowed before headings and between paragraphs. Footnotes are not permitted.

4. Preferred fonts shall be Century or Century Schoolbook. Other allowed fonts are Times New Roman, Baskerville Old Face, Book Antiqua, or Palatino, and shall be set to no less than 12, nor more than 13, point text. Type shall not be underscored, but may be *italicized* or **boldfaced** for emphasis.
5. Every pleading shall contain a caption setting forth the name of the court, the names of the parties, the docket number, and a title (or the name of the document).

Whenever a motion or stipulation is filed, a proposed order shall accompany such motion or stipulation. Proposed orders shall be submitted by separate document ~~and shall include a certificate of service to be signed by the court clerk.~~ Proposed orders should not include a certificate of service.

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## RULE 11 DECISIONS

- A. **Meaningful Review.** Decisions of the court shall provide the basis for a meaningful appellate review. The judge shall specify the evidence upon which the judge relies.
- B. **Official Version.** The official order, award, or judgment of the court shall be the original, signed version which is on file with the clerk of the court.
- C. **Copies Mailed.** A copy of each order, award, or judgment will be mailed to ~~all attorneys and~~ self-represented parties. For any attorney or self-represented party registered for E-Notice, a copy of each order, award, or judgment will instead be sent by E-Notice ~~when E-Notice becomes available.~~

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